423 /964 cont./
648 opposition for a long time has led to absolutely no result, the
797 Yamana have never given up their exclusive legal claim to their native region.

423 They trace this claim back to their so-called revolutionary
173 myth, which tells that in ancient times the women who were playing kina pushed into this region and continued their secret ceremony here. Since this time, they say, all the Yamana have remained in one and the same place, and inasmuch as they were the first to take possession of this land for themselves, it has become their property.

423 The nature of the landscape has divided the whole Yamana
635 territory into five large districts in which an equal number of dialects have developed (p. 199 /untranslated/). Each dialect group regards its home as, in a special sense, the common property of all its members. It is the field in which each one may devote himself to the hunt for food without restraint. To begin with, the individual has no vested right to a specific animal and no priority in obtaining special products of the land. Without discrimination, everything within the boundaries of the dialect region is available to everyone living there. Thus, with regard to the natural products of their circumscribed homeland, there is no personal property right; this becomes valid only at the moment when a person appropriates something for himself.

423 It is no less important to point out that only the members
635 of the same dialect group may take what their circumscribed
685 area /965/ holds. Persons whose homes are in a neighboring district generally do not have the right to cross the boundaries. A few exceptional cases are regarded as legally valid. If these exceptions are misused, however, disputes may be kindled and, to be sure, precisely because of violation of the sovereign rights which only the actual owners of this region enjoy. They alone may indiscriminately appropriate in it whatever they need in the way of animals and goods, even if some of it serves in barter with people of another group.

It is obvious that every individual will defend the common possessions of his dialect group, to which he belongs by birth or marriage and in which he himself has a share. Whenever and wherever he observes encroachment by a neighbor, he at least disapproves of it and speaks of it to others in his immediate

/965 cont./

423 neighborhood. Sometimes the malefactor must atone dearly for
635 his offensive violation of land rights. The Fuegians are even
685 capable of ruthless intolerance toward him. The treatment accorded a certain Okokko may serve as an example. The missionaries with whom he had lived for many months on Isla Keppel wanted him to start a sort of "model farm," like the European prototype, in the center of the region of his countrymen, namely, in Liwya. This, however, was not his home. A small frame house was built for him and a goodly store of provisions left behind so that he could get along for about seven months. His nearest neighbors, however, would not tolerate him there, for, according to them, he was an intruder. They avenged the violation of their land rights in that "Okokko's house, and goats, and property, had been destroyed by fire" /cited in English/. In this case, envy doubtless intensified the mania for destruction (p. 297 /untranslated/).

423 Despite due recognition of the land rights belonging to each
635 dialect group, certain circumstances have nevertheless created legally valid exceptions to the exclusion of one group by another. The basic idea holds for an emergency situation when all doors must be open to every member of the tribe from every direction. This applies first of all to the procurement of raw materials for objects which no one can do without. Uniform, thick beech trunks which furnish suitable pieces of bark for the canoe flourish only in certain places, and there are only a few spots where flint is to be found (p. 41). For anyone seeking these two indispensable kinds of objects the boundaries of the dialect groups, which are drawn on other occasions, do not exist.

Furthermore, anyone who suffers serious hardship in his own region and is threatened by hunger may, without formality, cross the boundary and supply himself in the neighboring territory. It would be inconceivable for our Yamana to deny anyone access to a place where he can save himself from death by starvation. He is permitted to remain there undisturbed until he can demonstrably find subsistence in his own homeland. The most common causes of temporary calamities are: persistent bad weather /966/ regions where canoe trips are difficult in any case, namely, near the outlying islands; no less frequently, the loss of one's canoe; less often, the death of a wife who leaves a man with several small

/966 cont./
423 children while his relatives live far away.
635 Finally, there is a completely different kind of occasion
225 when all boundaries are ignored, namely, when a whale is stranded.
423 A certain priority is conceded to those in whose home district this
425 mighty animal is deposited on the shore, for sometimes they have
635 worked hard before the rich booty is spread out before them (p. 224). Nevertheless, their priority consists chiefly of the privilege to determine the so-called distributors of the fat and meat. It is not left to the discretion of the individual to go up to the animal and cut out a piece here or there for himself. Rather, it is the task of a few men to cut up the big animal properly and to give something to each one present if he wishes it (p. 310). This is the only way to prevent useless waste.

Anyone within the widest radius who learns of the stranding of a whale may head toward the spot unmolested and remain until all the suitable parts are consumed or distributed. The people native to the region arrive ahead of the visitors from a distance; nothing prevents them from taking the prized whalebone and from having the tastiest pieces cut out for themselves. Hence the people within the bounded area where the mighty animal was washed ashore do enjoy certain advantages. It is easy to see why other tribal members are also allowed to share this rich gift of Mother Nature, according to common law. A small number of people would be unable to consume the considerable amount of fat and meat quickly enough in the short time before it spoils. Therefore, nothing would be more natural than to apply, without restraint, the common principle of sharing with others, especially when there is abundance to be had without effort. Alerted by dense flocks of sea birds, the Indians come pouring in to the stranded whale, even from some distance, and they all enjoy the excellent taste of the blubber. No one would dare rebuff a visiting stranger nor hinder him; if one were to do so, he would be loudly decried as a selfish human being.

423 As for material goods that are common property, our Yamana have only the two Great Huts built for the čiexaus and the kina, the men's ceremony. Both serve in the fulfillment of a task for which the group as such is obligated, and the adult participants busy themselves at it quite as a matter of course. From the start

/966 cont./

423 it is their intention to work for the benefit of these events; hence they forgo a property right which otherwise would accrue from their personal work. Later, after the end of the ceremonies when the Great Hut is abandoned by the group, the latter automatically relinquishes its right of disposal. Anyone who then establishes himself in it /967/ or who wants to use a few sticks from it is not prevented from doing so, since he is appropriating something that has been acknowledged as ownerless.

423 635 Although the Yamana emphasize their fight to sole possession of their native area and strictly guard the respective boundaries of their dialect groups, they are just as lenient when distress or expedience make it advisable to waive special rights. They put the life and livelihood of each of their fellow-tribesmen far above these rights.

2. Private Property

424 Like their neighbors, the Selk'nam (Vol. I, 413) and the Halakwulup, our Yamana also make a sharp and clear distinction between common possessions and personal property. The former belongs to a larger group or to the whole tribe; private property belongs to only one person as his individual possession, or, as family property, to members of the same family, in the limited sense of the word, who comprise an economic unit. In everyday speech this distinction between individual possessions and family possessions is clearly expressed (381). For example, the man speaks

381. The data of other observers are not always clear and comprehensive. Thus Hyades (d):309 in one case writes: "Property is individual; there is no chief, social hierarchy, or slaves" /translated from French/. In another place (p):335 he admits that there is common property, besides personal property: "Property is individual and hereditary without a will, but this applies only to personal effects: canoe, hunting or fishing implements, skins of animals, each person having only what is necessary of these objects" /translated from French/.